

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

MASSEY ENERGY COMPANY, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:09-cv-00029

AMERICAN INTERNATIONAL SPECIALTY  
LINES INSURANCE COMPANY, et al.,

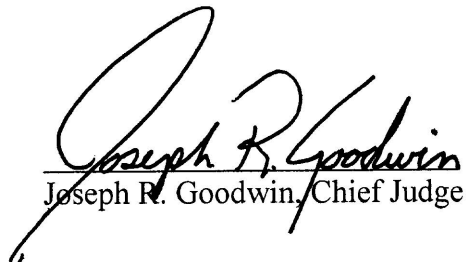
Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is a Motion to Dismiss [Docket 58], jointly filed by the plaintiffs and defendant HDI-Gerling Industrie Versicherungs AG, successor by merger to Gerling Konzern Allgemeine Versicherungs-AG. These parties submit that the controversy between them has been settled through arbitration. Accordingly, the court **GRANTS** the motion to dismiss and **DISMISSES with prejudice** defendant HDI-Gerling Industrie Versicherungs AG, successor by merger to Gerling Konzern Allgemeine Versicherungs-AG, from this lawsuit.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 8, 2011

  
Joseph R. Goodwin, Chief Judge